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513 7590 11/15/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER CHBOUKI, TAREK	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/538,022

Applicant(s)

OKAMOTO ET AL.

Examiner

Tarek Chbouki

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/07/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-25 have been examined.

**Priority**

2. The Foreign Priority Date (03/05/2003) was granted.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 24 and 25 are directed to non-statutory subject matter, because claiming a "program for ....", is a software claim per se and does not define any structural and functional interrelationships between the computer software and the hardware components which permit the program functionality. Hence the above mentioned claims failed to form the basis statutory subject matter under 35 U.S.C. 101

**Double Patenting**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA

1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 20 and 21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 23 and 24 of copending Application No. 10/755309. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 20, and 21 of the instant application substantially recite the limitations of claims 1, 23 and 24 of the cited US copending Application No. 10/755309. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

With respect to claim 1, please refer to the table below, which illustrates the anticipatory relationships of the claims at issues:

Applicant 10/538022	Copending Application 10/755309
1. A digital content distribution system	1. A content use management system
comprising a right management server and a user to transmission line,	comprising a terminal apparatus and a server apparatus that is connected to the terminal apparatus through a communication channel,

wherein said right management server includes:  usage right information issuing unit operable to issue usage right information indicating a usage rule of content which is a digital copyrighted work to said user terminal;	wherein the server apparatus includes:  a use condition generation unit operable to generate use condition information which indicate use conditions for a content, by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using said content;
and an update information notifying unit operable to notify said user terminal of update information regarding necessity of updating the usage right information issued to said user terminal,	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.
and said user terminal includes:  a content storing unit operable to store the content;	a use condition update unit operable to update, when said content is used by the content use unit,
a usage right information storing unit operable to store the usage right information issued by said usage right information issuing unit;	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.
a using unit operable to use the content stored in said content storing unit in accordance with the	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information

usage rule indicated by the usage right information stored in said usage right information storing unit;	stored in the license storing unit.
and an update requesting unit operable to request said right management server to update the usage right information stored in said usage right information storing unit,	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.
in accordance with the update information notified by said update information notifying unit.	a use condition update unit operable to update, when said content is used by the content use unit, the use conditions in association with said use, the use conditions being indicated in the license information stored in the license storing unit.

With respect to claim 20, please refer to the table below, which illustrates the anticipatory relationships of the claims at issues:

Applicant 10/538022	Copending Application 10/755309
20. A right management server of a digital distribution system which comprises said right management server and a user terminal that are connected via a transmission line,	23. A content use management method used in a system comprising a terminal apparatus and a server apparatus that is connected to the terminal apparatus through a communication channel, the terminal apparatus using a content which is a digital copyrighted work, and the server apparatus managing use of the content by the terminal apparatus.
wherein said right management server includes: a usage right information issuing unit operable to	a use condition generation step of generating use condition information which indicates use

issue usage right information indicating a usage rule of content which is a digital copyrighted work to said user terminal;	conditions for a content, by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content;
an update information notifying unit operable to notify said user terminal of update information regarding necessity of updating the usage right information issued to said user terminal;	the use condition update step of updating, when the content is used, the use conditions in association with said use, the use conditions being indicated in the license information stored at the license storing step.
and an update data transmitting unit operable to transmit, to said user terminal, data for usage right information update that is used for updating the usage right information held by said user terminal to latest usage right information when receiving a request to update the usage right information from said user terminal.	the use condition update step of updating, when the content is used, the use conditions in association with said use, the use conditions being indicated in the license information stored at the license storing step.

With respect to claim 21, please refer to the table below, which illustrates the anticipatory relationships of the claims at issues:

Applicant 10/538022	Copending Application 10/755309
21. A user terminal of a digital distribution system	24. A content use management method by a server apparatus which is connected to a terminal

which comprises a right management server and said user terminal that are connected via a transmission line,	apparatus through a communication channel and manages use of a content by the terminal apparatus
wherein said user terminal includes: a content storing unit operable to store content which is a digital copyrighted work;	the content being a digital copyrighted work, the content use management method, comprising: a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content
a using unit operable to use the content stored in said content storing unit in accordance with a usage rule indicated by the usage right information stored in said usage right information storing unit;	the content being a digital copyrighted work, the content use management method, comprising: a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content
an update requesting unit operable to request said right management server to update the usage right information stored in said usage right information storing unit, in accordance with update information notified by said right management server;	the content being a digital copyrighted work, the content use management method, comprising: a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of



	rights management methods which has a different method of managing rights for using the content
and an Updating unit operable to receive data for usage right information update that is transmitted from said right management server, to read the usage right information corresponding to the received data for usage right information update from said usage right information storing unit, and to update the read usage right information,	a license distribution step of distributing the generated license information to the terminal apparatus.
and said using unit is operable to use the content stored in said content storing unit in accordance with a usage rule indicated by the updated usage right information.	the content being a digital copyrighted work, the content use management method, comprising: a use condition generation step of generating use condition information which indicates use conditions for the content by associating said use condition information respectively with a plurality of rights management methods which has a different method of managing rights for using the content

5. Therefore, it would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the invention as claimed in the instance application by extending use control for digital content data, since an omission and addition of a cited limitation would have not changed the process according to which the apparatus and computer program as claimed. Therefore, the use of extending control usage for digital content

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data would be an obvious variation in the art for the purpose of achieving protection rights related to digital content data and would not interfere with the functionality of the steps previously claimed and would perform the same function of protecting the rights related to digital content data.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamoto, Yoji et al (hereinafter Kawamoto) US Publication No 20050060334.

As per Claim 1, Kawamoto discloses:

#### **A digital content distribution system**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**comprising a right management server and a user terminal which are connected via a transmission line, wherein said right management server includes:**

(FIG. 1 and page 2, paragraph [0032], lines 1-3;The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client; indicates the network connection of the right management server with a plurality of user terminals/clients).

**a usage right information issuing unit operable to issue usage right information indicating a usage rule of content which is a digital copyrighted work to said user terminal;**

(Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**and an update information notifying unit operable to notify said user terminal of update information regarding necessity of updating the usage right information issued to said user terminal,** (Page 6, paragraph [0116], lines 4-8,If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**and said user terminal includes:**

**a content storing unit operable to store the content;**

(Page 4, paragraph [0075], lines 9-11, DRM module 51 receives the content data via the communication unit 29 in step S13, and stores the encrypted content data in the storage unit 28 in step S14).

**a usage right information storing unit operable to store the usage right information issued by said usage right information issuing unit;**

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

**a using unit operable to use the content stored in said content storing unit in accordance with the usage rule indicated by the usage right information stored in said usage right information storing unit;**

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

**and an update requesting unit operable to request said right management server to update the usage right information stored in said usage right information storing unit,**

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

**in accordance with the update information notified by said update information notifying unit.**

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

As per Claim 2, Kawamoto discloses:

**The digital content distribution system according to Claim 1,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein said update information notifying unit is operable to notify said user terminal of the update information by including the update information in the usage right information issued by said usage right information issuing unit.**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

As per Claim 3, Kawamoto discloses:

**The digital content distribution system according to Claim 2,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein the update information includes information regarding a timing at which said user terminal should access said right management server,**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**and said update requesting unit is operable to access said right management server at the timing indicated by the update information and to request said right management server to update the usage right information.**

(Page 5, paragraph [0107], lines 4-5, "Effective period" indicates an effective period of the usage right).

As per Claim 4, Kawamoto discloses:

**The digital content distribution system according to Claim 2,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein the update information includes information regarding a frequency at which said user terminal should access said right management server,**

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the content can be used based on the usage right, a playback limit within which the content can be played back based on the usage right, the maximum number of playbacks of the content, the number of times the content can be copied (the number of copies allowed) based on the usage right, the maximum number of checkouts, illustrate the frequency criteria defined in the usage condition).

**and said update requesting unit is operable to access said right management server at the frequency indicated by the update information and to request said right management server to update the usage right information.**

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the content can be used based on the usage right, a playback limit within which the content can be played back based on the usage right, the maximum number of playbacks of the content, the number of times the content can be copied (the number of copies allowed) based on the usage right, the maximum number of checkouts, illustrate the frequency criteria defined in the usage condition).

As per Claim 5, Kawamoto discloses:

**The digital content distribution system according to Claim 2,**

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(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein the update information includes a flag showing whether or not said user terminal should access said right management server,**

(Page 5, paragraph [0097], When the content is indicated, the content using module 52 reads the attributes. The attributes are described in the header of the content, as shown in FIG. 11 and paragraph [0098] In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28. If it determines that the usage right has not been obtained, the process proceeds to step S43).

**management server in accordance with the flag and to request said right management server to update the usage right information.**

(Page 5, paragraph [0097], When the content is indicated, the content using module 52 reads the attributes. The attributes are described in the header of the content, as shown in FIG. 11 and paragraph [0098] In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28. If it determines that the usage right has not been obtained, the process proceeds to step S43).

As per Claim 6, Kawamoto discloses:

**The digital content distribution system according to Claim 1,**

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(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein the usage right information includes an identifier to identify itself,**

(Page 5, paragraph [0107], lines 1-3, "Usage -right ID" is identification information described by a hexadecimal constant value for identifying the usage right)

**and the update information includes the identifier of the usage right information which is an object to be updated.**

(Page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

As per Claim 7, Kawamoto discloses:

**The digital content distribution system according to Claim 6,  
comprising a plurality of user terminals,**

(Fig.1 and page 8, paragraph [0151], The clients according to the present invention may include personal computers, PDAs (Personal Digital Assistants), cellular phones, game terminal devices, and so forth, illustrate the usage of a plurality of terminals).

**wherein said update information notifying unit is operable to specify, for each user terminal,**

(Page 4, paragraph [0069], In step S2, the DRM module 51 designates a service node which manages the usage right based on the leaf ID, indicate the usage right management being conducted based on terminal identifier).

**the usage right information which is the object to be updated among sets of the usage right information held by said user terminal,**



(Page 5, paragraph [0102], lines 5-8, usage right request which includes the usage-right designation information and the leaf ID contained in the service data to the license server 4 over the Internet 2.

**to create the update information including the identifier of the specified usage right information, and to notify said user terminal of the created update information.**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right).

As per Claim 8, Kawamoto discloses:

**The digital content distribution system according to Claim 6,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**comprising a plurality of user terminals,**

(Page 2, paragraph [0042], At the bottom of the 32 layers, 2.sup.32 (about 4-giga) users (or the clients 1) can be assigned. The keys corresponding to the nodes on a path starting with a node in the 32nd layer at the bottom and ending with the T-system node constitute a DNK (Device Node Key), and an ID corresponding to the leaf in the bottom layer is referred to as a leaf ID, indicates the plurality of terminals/clients).

**wherein said update information notifying unit is operable to specify,**

(Page 4, paragraph [0069], In step S2, the DRM module 51 designates a service node which manages the usage right based on the leaf ID, indicate the usage right management being conducted based on terminal identifier).

**for each user terminal, the usage right information which is the object to be updated among sets of the usage right information held by all of said plurality of user terminals,**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are represented by a leaf node ID).

**to create the update information including the identifier of the specified usage right information, and to notify said user terminal of the created update information.**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are represented by a leaf node ID).

As per Claim 9, Kawamoto discloses:

**The digital content distribution system according to Claim 1,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein said right management server further includes an update data transmitting unit operable to transmit to said user terminal,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**data for usage right information update that is used for updating the usage right information held by said user terminal to latest usage right information when receiving a request to update the usage right information from said user terminal,**

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

**said user terminal further includes an updating unit operable to receive the data for usage right information update that is transmitted from said right management server,**

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

**to read the usage right information corresponding to the received data for usage right information update from said usage right information storing unit,**

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

**and to update the read usage right information, and said using unit is operable to use the content stored in said content storing unit in accordance with the usage rule indicated by the updated usage right information.**

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage

conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

As per Claim 10, Kawamoto discloses:

**The digital content distribution system according to Claim 9,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein the usage right information includes an identifier to identify itself,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

**said update requesting unit is operable to request an update by notifying said right management server of the identifier of the usage right information which is to be an object of the update,**

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

**And said update data transmitting unit is operable to transmit, to said user terminal,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**the data for usage right information update that is used for updating the usage right information identified by the identifier notified by said update requesting unit to the latest usage right information.**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are represented by a leaf node ID).

As per Claim 11, Kawamoto discloses:

**The digital content distribution system according to Claim 10,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein said update requesting unit is further operable to request the update by notifying said right management server of the usage rule of the usage right information together with the identifier of the usage right information.**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

As per Claim 12, Kawamoto discloses:

**The digital content distribution system according to Claim 9,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein said update requesting unit is operable to request an update by transmitting the usage right information which is an object of the update to said right management server,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

**and said update data transmitting unit is operable to transmit, to said user terminal, the data for usage right information update that is used for updating the usage right information transmitted from said update requesting unit to the latest usage right information.**

(Page 5, paragraph [0101], lines 4-8, The license server 4 sends a list of usage rights to the client 1, and makes a request to input usage-right designation information (this information may be a usage-right ID) for designating a usage right to be purchased (a usage right necessary to use the content), illustrate the communication between terminals when handling usage right updates).

As per Claim 13, Kawamoto discloses:

**The digital content distribution system according to Claim 9, wherein the usage right information includes an identifier to identify itself,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

**the data for usage right information update includes the identifier of the usage right information which is an object to be updated and data indicating details of the update, and said updating unit is operable to update the usage right**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are represented by a leaf node ID).

**information on the basis of the identifier and the data indicating the details of the update that are included in the data for usage right information update.**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, where in the all user terminals are represented by a leaf node ID).

As per Claim 14, Kawamoto discloses:

**The digital content distribution system according to Claim 9,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein the usage right information includes an identifier to identify itself,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

**the data for usage right information update includes the identifier of the usage right information which is an object to be updated and information indicating an updated usage rule, and**

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the content can be used based on the usage right, a playback limit within which the content can be played back based on the usage right, the maximum number of playbacks of the content, the number of times the content can be copied (the number of copies allowed) based on the usage right, the maximum number of checkouts, illustrate the usage rule criteria).

**said updating unit is operable to read, from said usage right information storing unit,**

(Page 6, paragraph [0122], lines 1-3 the DRM module 51 reads the usage conditions and the usage status contained in the usage right)

**the usage right information identified by the identifier included in the data for usage right information update,**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right).



**and to update the usage right information by replacing the usage rule of the read usage right information with the updated usage rule included in the data for usage right information update.**

(Page 5, paragraph [0108], lines 1-7, "Usage conditions" include an expiration date until which the content can be used based on the usage right, a playback limit within which the content can be played back based on the usage right, the maximum number of playbacks of the content, the number of times the content can be copied (the number of copies allowed) based on the usage right, the maximum number of checkouts, illustrate the usage rule criteria).

As per Claim 15, Kawamoto discloses:

**The digital content distribution system according to Claim 9,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein the data for usage right information update includes updated usage right information,**

(Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right).

**and said updating unit is operable to read, from said usage right information storing unit, the usage right information corresponding to the updated usage right information included in the data for usage right information update,**

(Page 6, paragraph [0122], lines 1-3 the DRM module 51 reads the usage conditions and the usage status contained in the usage right)

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**and to update the usage right information by replacing the read usage right information with the updated usage right information included in the data for usage right information update.**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

As per Claim 16, Kawamoto discloses:

**The digital content distribution system according to Claim 9, wherein the usage right information includes an identifier to identify itself,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

**the data for usage right information update includes the identifier of the usage right information which is an object to be updated and additional data which should be linked to the usage right information that is the object to be updated,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the

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DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

**and said updating unit is operable to read, from said usage right information storing unit, the usage right information identified by the identifier included in the data for usage right information update,**

(Page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)

**and to update the usage right information by linking the additional data to the read usage right information.**

Page 7, paragraph [0140], lines 8-11, Each of the usage rights stored in the storage unit 28 includes information indicating a usage-right ID, a version, a creation date, an effective period, and so on. In step S106, the CPU 21 adds the received leaf ID to the usage right, illustrate the update process using the update identification).

As per Claim 17, Kawamoto discloses:

**The digital content distribution system according to Claim 9, wherein the usage right information includes an identifier to identify itself,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

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**the data for usage right information update includes the identifier of the usage right information which is an object to be updated and additional license information indicating a usage rule to be added,**

(Page 5, paragraph [0102], lines 5-8, usage right request which includes the usage-right designation information and the leaf ID contained in the service data to the license server 4 over the Internet ).

**And said updating unit is operable to read, from said usage right information storing unit, the usage right information identified by the identifier included in the data for usage right information update,**

(Page 5, paragraph [0107], lines 1-3, " Usage-right ID " is identification information described by a hexadecimal constant value for identifying the usage right and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11)).

**and to update the usage right information by adding the usage rule indicated by the additional license information included in the data for usage right information update to the usage rule indicated by the read usage right information.**

(Page 5, paragraph [0102], lines 5-8, usage right request which includes the usage-right designation information and the leaf ID contained in the service data to the license server 4 over the Internet and and page 6, paragraph [0125], lines 1-3, the DRM module 51 determines whether or not the same ID as the usage-right ID stored in the header (FIG. 11) , indicate the usage update process in conjunction with the license information).

As per Claim 18, Kawamoto discloses:

**The digital content distribution system according to Claim 9,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein said usage right information issuing unit is operable to affix a digital signature to the usage right information,**

(Page 4, paragraph [0087], The signatures are electronic signatures corresponding to the attributes of the content, indicates the authentication of the user right).

**and to transmit the usage right information together with the obtained signature text to said user terminal,**

(Page 5, paragraph [0110], "Constant value" is a constant value which is referred to in the usage conditions or the status of usage. "Leaf ID" is identification information for identifying a client.

"Electronic signature" is an electronic signature of the entire usage right. "Certificate" is a certificate including a public key of the license server).

**and said update data transmitting unit is operable to affix a digital signature to the data for usage right information update,**

(Page 5, paragraph [0109], "Electronic signatures of usage conditions" represent electronic signatures corresponding to the usage conditions).

**and to transmit the data for usage right information update together with the obtained signature text to said user terminal.**

(Page 5, paragraph [0110], "Constant value" is a constant value which is referred to in the usage conditions or the status of usage. "Leaf ID" is identification information for identifying a client.

"Electronic signature" is an electronic signature of the entire usage right. "Certificate" is a certificate including a public key of the license server).

As per Claim 19, Kawamoto discloses:

**The digital content distribution system according to Claim 1,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

**wherein said update requesting unit is operable to obtain, from said right management server,**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**data for usage right information update that is used for updating the usage right information stored in said usage right information storing unit when requesting said right management server for an update.**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

As per Claim 20, Kawamoto discloses:

**A right management server of a digital distribution system which comprises said right management server and a user terminal that are connected via a transmission line,**

(Fig 1, and page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client 1).

**wherein said right management server includes:**

**a usage right information issuing unit operable to issue usage right information indicating a usage rule of content which is a digital copyrighted work to said user terminal;**

(Page 5, paragraph [0101], lines 4-8, The license server 4 sends a list of usage rights to the client 1, and makes a request to input usage-right designation information (this information may be a usage -right ID) for designating a usage right to be purchased (a usage right necessary to use the content), illustrate the communication between terminals when handling usage right updates).

**an update information notifying unit operable to notify said user terminal of update information regarding necessity of updating the usage right information issued to said user terminal;**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**and an update data transmitting unit operable to transmit, to said user terminal, data for usage right information update that is used for updating the usage right information held by said user terminal to latest usage right information when receiving a request to update the usage right information from said user terminal.**

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

As per Claim 21, Kawamoto discloses:

**A user terminal of a digital distribution system which comprises a right management server and said user terminal that are connected via a transmission line,**

(Fig 1, and page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client 1).

**wherein said user terminal includes: a content storing unit operable to store content which is a digital copyrighted work;**

(Page 4, paragraph [0075], lines 9-11, DRM module 51 receives the content data via the communication unit 29 in step S13, and stores the encrypted content data in the storage unit 28 in step S14).

**a usage right information storing unit operable to store usage right information issued by said right management server;**

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

**a using unit operable to use the content stored in said content storing unit in accordance with a usage rule indicated by the usage right information stored in said usage right information storing unit;**



(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

**an update requesting unit operable to request said right management server to update the usage right information stored in said usage right information storing unit, in accordance with update information notified by said right management server;**

(Page 5, paragraph [0101], lines 4-8, The license server 4 sends a list of usage rights to the client 1, and makes a request to input usage-right designation information (this information may be a usage -right ID) for designating a usage right to be purchased (a usage right necessary to use the content), illustrate the communication between terminals when handling usage right updates).

**and an Updating unit operable to receive data for usage right information update that is transmitted from said right management server, to read the usage right information corresponding to the received data for usage right information update from said usage right information storing unit, and to update the read usage right information,**

(Page 3, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data and page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

**and said using unit is operable to use the content stored in said content storing unit in accordance with a usage rule indicated by the updated usage right information.**

(Page 7, paragraph [0131], lines 1-5, If it is determined in step S97 that the content ID has been configured in association with the usage -right ID, then in step S98, the DRM module 51 updates the

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usage status information stored in association with the content ID based on the using process performed in step S46 shown in FIG. 12).

As per Claim 22, Kawamoto discloses:

**A right management method used by a digital content distribution system comprising a right management server and a user terminal which are connected via a transmission line, said right management method comprising:**

**a usage right information issuing step of issuing usage right information indicating a usage rule of content which is a digital copyrighted work to the user terminal;**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**an update information notifying step of notifying the user terminal of update information regarding necessity of updating the usage right information issued to the user terminal;**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**and an update data transmitting step of transmitting, to the user terminal,**

(Page 2, paragraph [0032], lines 1-3, The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client).

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**data for usage right information update that is used for updating the usage right information held by the user terminal to latest usage right information when receiving a request to update the usage right information from the user terminal.**

(Page 6, paragraph [0118], lines 14-17, the DRM module 51 of the client 1 obtains the usage conditions from the license server 4, and, in step S89, updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions).

As per Claim 23, Kawamoto discloses:

**A content usage method used by a digital content distribution system comprising a right management server and a user terminal which are connected via a transmission line, said content usage method comprising:  
a usage right information obtaining step of obtaining usage right information issued by the right management server;**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

**a using step of using content which is a digital copyrighted work, in accordance with a usage rule indicated by the obtained usage right information;**

(Page 6, paragraph [0116], lines 4-8, If it is determined that the usage right is expired, in step S45, the content using module 52 requests the DRM module 51 to update the usage right, and the DRM module 51 executes a usage right updating process according to the request).

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**an update requesting step of requesting the right management server to update the usage right information, in accordance with update information notified by the right management server;**

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

(Page 5, paragraph [0097], When the content is indicated, the content using module 52 reads the attributes. The attributes are described in the header of the content, as shown in FIG. 11 and paragraph [0098] In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28. If it determines that the usage right has not been obtained, the process proceeds to step S43).

**and an updating step of receiving data for usage right information update that is transmitted from the right management server and of updating the usage right information corresponding to the received data for usage right information update,**

(Page 6, paragraph [0061] FIG. 6 shows an example of the functional structure of the client 1. A DRM (Digital Right Management) module 51 communicates the content, right data, etc., or manages the right data, illustrate the process taken when updating the usage right in regards to the content data).

**wherein in said using step, the content is used in accordance with a usage rule indicated by the updated usage right information**

(Page 5, paragraph [0098], lines 1-5, In step S42, the content using module 52 determines whether or not a usage right in which the attributes read in step S41 satisfy the content conditions contained in each usage right has been obtained by the client 1 and stored in the storage unit 28).

As per Claim 24, Kawamoto discloses:

**A program for a right management server of a digital content distribution system comprising said right management server and a user terminal which are connected via a transmission line,**

(FIG. 1 and page 2, paragraph [0032], lines 1-3; The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client; indicates the network connection of the right management server with a plurality of user terminals/clients).

**said program causing a computer to execute said steps of the right management method described in ~~Claim 20~~ claim 22**

The above mentioned limitation is a computer readable medium corresponding to method claim 22;

Therefore it rejected under the same rational as claim 22.

As per Claim 25, Kawamoto discloses:

**A program for a user terminal of a digital content distribution system comprising a right management server and said user terminal which are connected via a transmission line,**

(FIG. 1 and page 2, paragraph [0032], lines 1-3; The content server 3 supplies content to the client 1, and the license server 4 sends a usage right necessary to use the content provided by the content server 3 to the client; indicates the network connection of the right management server with a plurality of user terminals/clients).

**said program causing a computer to execute said steps of the content usage method described in claim 23**

The above mentioned limitation is a computer readable medium corresponding to method claim 23;

Therefore it rejected under the same rational as claim 23.

**7. Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Higashi, Akio et al "Content using apparatus" US Publication No. 20040249759.

Okamoto, Ryuichi et al "Content usage management system and server used in the system" US Publication No. 20030061165.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarek Chbouki whose telephone number is 571-2703154. The examiner can normally be reached on Mon-Fri 7:30 am to 5:00 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chace Christian can be reached on

5712724190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 2169

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